

# Mapping of Operating Principles to new structure v1 20170725/ON

## **1. Scope – what the GAC is and does (including reference to ICANN Bylaws)**

Whereas:

1. The functions and responsibilities of the Internet Assigned Numbers Authority (IANA) are being transferred to a new private not for profit corporation, the Internet Corporation for Assigned Names and Numbers (ICANN).
2. ICANN's functions and responsibilities will affect the functioning of the global Internet.
3. ICANN's Articles of Incorporation establish that the corporation shall operate for the benefit of the Internet community as a whole and shall pursue the charitable and public purposes of lessening the burdens of government and promoting the global public interest in the operational stability of the Internet by performing and co-ordinating functions associated with the technical management of Internet names and addresses.
4. a) The Articles of Incorporation and Bylaws establish that ICANN shall carry out its activities in conformity with relevant principles of international law and applicable international conventions and local law. b) ICANN is committed to carrying out its activities based on the principles of stability, competition, private bottom-up coordination, and representation.
5. ICANN's Bylaws, Article XI Advisory Committees, Section 2.1 provide for a Governmental Advisory Committee The Governmental Advisory Committee should consider and provide advice on the activities of ICANN as they relate to concerns of governments and where they may affect public policy issues. The Advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account by ICANN, both in the formulation and adoption of policies.
6. The GAC commits itself to implement efficient procedures in support of ICANN and to provide thorough and timely advice and analysis on relevant matters of concern with regard to government and public interests

Considering that:

1. The Internet naming and addressing system is a public resource that must be managed in the interests of the global Internet community;
2. The management of Internet names and addresses must be facilitated by organisations that are global in character.
3. ICANN's decision making should take into account public policy objectives including, among other things:

- secure, reliable and affordable functioning of the Internet, including uninterrupted service and universal connectivity;
- the robust development of the Internet, in the interest of the public good, for government, private, educational, and commercial purposes, world wide;
- transparency and non-discriminatory practices in ICANN’s role in the allocation of Internet names and address;
- effective competition at all appropriate levels of activity and conditions for fair competition, which will bring benefits to all categories of users including, greater choice, lower prices, and better services;
- fair information practices, including respect for personal privacy and issues of consumer concern; and
- freedom of expression.

4. Country code top level domains are operated in trust by the Registry for the public interest, including the interest of the Internet community, on behalf of the relevant public authorities including governments, who ultimately have public policy authority over their ccTLDs, consistent with universal connectivity of the Internet.

#### **Principle 1**

The Governmental Advisory Committee (GAC) shall consider and provide advice on the activities of ICANN as they relate to concerns of governments, multinational governmental organisations and treaty organisations, and distinct economies as recognised in international fora, including matters where there may be an interaction between ICANN’s policies and various laws and international agreements and public policy objectives.

#### **Principle 2**

The GAC shall provide advice and communicate issues and views to the ICANN Board. The GAC is not a decision making body. Such advice given by the GAC shall be without prejudice to the responsibilities of any public authority with regard to the bodies and activities of ICANN, including the Supporting Organisations and Councils.

#### **Principle 3**

The GAC shall report its findings and recommendations in a timely manner to the ICANN Board through the Chair of the GAC.

#### **Principle 4**

The GAC shall operate as a forum for the discussion of government and other public policy interests and concerns.

#### **Principle 5**

The GAC shall have no legal authority to act for ICANN.

## **2. Membership – who can join the GAC**

### 2.1. Commitment to outreach

### 2.2. Members

#### **Principle 14**

Members of the GAC shall be national governments, multinational governmental organisations and treaty organisations, and public authorities, each of which may appoint one representative and one alternate representative to the GAC. The accredited representative of a Member may be accompanied by advisers. The accredited representative, alternate and advisers must hold a formal official position with the Member's public administration. The term 'official' includes a holder of an elected governmental office or a person who is employed by such government, public authority or multinational governmental or treaty organisation, and whose primary function with such government, public authority or organisation is to develop or influence governmental or public policies.

#### **Principle 15**

Membership is open to all national governments. Membership is also open to distinct economies as recognised in international fora. Multinational governmental organisations and treaty organisations, may also participate as observers, on the invitation of the GAC through the Chair.

#### **Principle 16**

Accredited representatives of governments and other public authorities, Members of GAC, have voting rights. Accredited representatives of International Organisations and entities other than public authorities participate fully in the GAC and its Committees and Working Groups, as Observers, but do not have voting rights.

#### **Principle 17**

Those who constitute the Current Membership are defined as those Members from whom the Chair has received formal notification of the name and contact details of their accredited representative. The list of current Members shall be updated regularly and be posted online.

### 2.3. Observers

#### **Principle 18**

Representatives of invited UN Inter-governmental Organisations, non-member public authorities and other relevant entities may attend meetings of the GAC as observers, at the discretion of the Chair.

### 2.4. Representation

#### **Principle 19**

If a Member's accredited representative, or alternate representative, is not present at a meeting, then it shall be taken that the Member government or organisation is not represented

at that meeting. Any decision made by the GAC without the participation of a Member's accredited representative shall stand and nonetheless be valid.

**Principle 20**

In consideration of the GAC's commitment to efficiency, there shall be no attendance or voting by proxy. Members may only be represented at meetings, both face-to-face and electronic, by their accredited representative, or designated alternate representative.

**3. Conducting the work of the GAC**

- 3.1. Commitment to transparency
- 3.2. Commitment to participation by all members
- 3.3. Quorum

**Principle 40**

One third of the representatives of the Current Membership with voting rights shall constitute a quorum at any meeting. A quorum shall only be necessary for any meeting at which a decision or decisions must be made. The GAC may conduct its general business face-to-face or online.

A Member may initiate an online discussion of a question by forwarding to the Chair a request for the opening of an online discussion on a specific topic. The GAC Secretariat will initiate this discussion and all Members may post their contributions during a period of time established by the Chair, the period of which is to be no longer than sixty (60) calendar days. At the end of this discussion period, the Chair will summarise the results of the discussion and may forward the results to the ICANN Board. Nothing in this Principle overrides the decision making processes set out elsewhere in these Operating Principles.

- 3.4. Face to face meetings

**Principle 6**

The GAC shall meet at least once annually; notwithstanding this designated annual meeting, the GAC shall meet as appropriate.

**Principle 7**

A meeting may be convened on the initiative of the Chair, at the request of a Member or at the request of the ICANN Board, concurred in by one third (1/3) of the Current Membership.

**Principle 8**

Face-to-face meetings of the GAC shall be convened by the Chair, by a notice issued not less than twenty-eight (28) calendar days prior to the meeting date. This notice may be issued by email or any appropriate means as approved by the GAC.

**Principle 41**

Representatives of Members shall endeavour, to the extent that a situation permits, to keep their oral statements brief. Representatives wishing to develop their position on a particular matter in fuller detail may circulate a written statement for distribution to Members.

**Principle 42**

Representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have been no change in Members' positions already on record.

**Principle 43**

In order to expedite the conduct of business, the Chair may invite representatives who wish to express their support for a given proposal to show their hands, in order to be duly recorded in the records of the GAC as supporting statements; thus only representatives with dissenting view or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.

3.5. Working online

**Principle 9**

Online and electronic meetings of the GAC shall be convened by the Chair, by a notice issued not less than ten (10) calendar days prior to the meeting date.

This notice may be issued by email or any appropriate means as approved by the GAC.

**Principle 10**

An emergency meeting of the GAC may be convened by the Chair, by a notice issued not less than ten (10) calendar days prior to the date set for the meeting. This notice may be issued by email or any other appropriate means as approved by the GAC.

**Principle 11**

In addition to face-to-face meetings, meetings and discussions may be conducted online via secure communications. "Online" may include email, web-based communications, and teleconference platforms (that can be accessed by all Members).

3.6. Working Groups

**4. GAC Leadership (roles and responsibilities)**

4.1. GAC Chair

**Principle 21**

If the GAC moves to require additional officers other than the Chair, then five (5) Vice-Chairs shall be elected from among the Members. To the extent possible, the Vice-Chairs should appropriately reflect the geographic and development diversity of the membership. The Chair shall hold office for a term of two (2) years, renewable once. The Vice-Chairs shall hold office for a term of one (1) year and may be re-elected; however no person may serve as Vice-Chair for more than two consecutive terms.

**Principle 22**

The GAC Chair and Vice Chairs shall be elected by the Members of the GAC from among the accredited representatives of governments and other public authorities, Members of GAC, pursuant to procedures outlined under Article IX (Election of Office Holders) of these Operating Principles. The elections of the Chair and Vice Chairs will be concurrent, as provided for in Principle 34.

**Principle 23**

The GAC may designate other officers as necessary.

**Principle 24**

The Chair shall normally participate in the proceedings as such and not as the accredited representative of a Member, in which case the Member may accredit another representative. The Chair may, however, at any time request permission to act in either capacity. The Vice Chairs shall participate in the proceedings as accredited representatives of a Member.

**Principle 25**

If the Chair is absent from any meeting or part thereof, one of the five (5) Vice-Chairs shall perform the functions of the Chair. If no Vice-Chairs were elected or if no Vice-Chair is present the GAC shall elect an interim Chair for that meeting or that part of the meeting.

**Principle 26**

If the Chair can no longer perform the functions of the office, the GAC shall designate one of the Vice-Chairs referred to in Principle 22 of these Operating Principles to perform those functions pending election of a new Chair in pursuant to procedures outlined under Article IX (Election of Chair and Vice Chairs) of these Operating Principles. If no Vice-Chair was elected, the GAC shall elect an interim Chair to perform those functions pending the election of a new Chair.

**Principle 27**

The Chair may call for the creation of Committees and Working Groups to address matters that relate to concerns of governments and where they may affect public policy issues. Accredited representatives may designate advisers to serve on such committees

**Principle 28**

In addition to exercising the power conferred elsewhere by these Principles, the Chair shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decisions, announce decisions, rule on points of order and subject to these rules, have control of the proceedings. The Chair may also call a speaker to order if the remarks of the speaker are not relevant.

**Principle 29**

The Chair, with the consent of the meeting, may limit the time allowed to each speaker.

**Principle 30**

The Chair shall not normally have voting power; however in the event of a tie, the Chair shall have a casting vote.

4.2. Vice Chairs

4.3. Working group chairs/co-chairs

4.4. Topic Leads

**5. Election of GAC Chair and Vice Chairs**

5.1. Terms of office

5.2. Election rules

**Principle 31**

Elections for the GAC Chair shall take place during the final meeting of every second year unless the Chair can no longer perform the functions of the office before the end of a current two (2) year term of office. If the Chair can no longer perform the functions during the first year in office, an election shall be organized for the remaining term in office during the next GAC meeting. If the Chair can no longer perform the functions during the second year in office, the GAC shall decide which of the Vice Chairs should replace the Chair until the regularly scheduled elections are held.

Elections for the Vice Chairs shall take place during the final meeting of the year. If a Vice Chair can no longer perform the functions before the end of the term, new elections should be organized, if necessary, for the remaining term in office during the next GAC meeting. The results of each election shall formally be announced at the end of any meeting in which an election has taken place, and shall take effect at the end of the next GAC meeting.

**Principle 32**

In the event of a single nominated candidate for the position of Chair, he or she shall be elected by acclamation. If there are more than one candidate for the position of Chair, or more than five candidates for the positions of Vice Chairs, an election will be held. For elections, the candidate or candidates with the most votes shall be elected to the position(s) that he or she has stood for.

In case of a tied ballot an additional voting through ballot shall be held, restricted to the relevant candidates, after an interval of at least one hour since the last vote.

Throughout the process, the elections outcome shall be valid if more than 1/3 of the GAC Members participate in the voting. In case of an additional voting round, only GAC Members present at the face-to-face meeting can participate.

**Principle 33**

Nominations for candidates to the official position of Chair and/or Vice Chair of the GAC shall normally start during the GAC meeting which precedes the meeting in which the confirmation is due to take place. In any event, the nomination procedure will close 45 days before the start of the meeting at which the confirmation of appointment is due to take place and a list of candidates should be posted on the GAC website within 14 days. In the event that there are more candidates than positions available, the GAC Chair will notify members that an election will be organized in accordance with principles 34 to 36 of this document.

**Principle 34**

For elections, votes shall be taken by secret ballot. It will be a matter for each voting Member to decide if they wish to make his or her choice public. This includes voting done in person, or ballots transmitted electronically. The GAC Secretariat will organize the voting procedure and count the votes under the supervision of the Chair and/or Vice Chairs who do not stand for re-election.

**Principle 35**

The voting process must be secure, fair, independent and transparent. Details of the voting process must be communicated to Members at the time when nominations for candidates are finalised and announced (Principle 33). Votes may be cast using any secure mechanisms the GAC deems appropriate, including secure online voting mechanisms. Elections shall be valid if more than 1/3 of the GAC members participate in the voting (Principle 32). The GAC Secretariat will facilitate the election process.

Where votes are cast in person, for example in the case of a tied ballot, the GAC Secretariat will distribute ballot papers to Members' accredited representatives at that meeting, or as designated by the GAC Representative. The ballot papers will be deposited into a ballot box placed in the conference room.

**Principle 36**

All Members shall be provided with the opportunity to cast their votes, starting up to 21 days prior to the relevant meeting. Voting shall also remain possible during the first two days of the relevant meeting. Votes shall then be tallied, and the results announced before the final day of the relevant meeting. In the case of a tie, refer to Principle 32.

Any Member from whom a vote has not been received within the above-mentioned time-limit shall be regarded as not voting.

## 6. Meetings

### 6.1. Agenda

**Principle 12**

A proposed agenda for the meeting shall be communicated to GAC Members and Observers prior to the meeting.

**Principle 13**

Requests for items to be included in the agenda of a forthcoming meeting shall be communicated to the GAC Chair in writing, which may include by email

**Principle 50**

The meetings of the GAC shall ordinarily be held in private. The Chair may decide that a particular meeting, or part of a particular meeting, should be held in public.

**Principle 51**

After a private meeting has been held, the Chair may issue a communiqué to the Media, such communiqué having been approved by the GAC beforehand.

### 6.2. Minutes

### 6.3. Record Keeping

**Principle 49**

Records of the meetings of the GAC shall be recorded in an appropriate form and be available online, except under exceptional circumstances.

## 7. GAC Advice to the ICANN Board

### 7.1. Consensus

**Principle 47**

The GAC works on the basis of seeking consensus among its membership. Consistent with United Nations practice [1<sup>1</sup>], consensus is understood to mean the practice of adopting

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<sup>1</sup> In United Nations practice, the concept of "consensus" is understood to mean the practice of adoption of resolutions or decisions by general agreement without resort to voting in the absence of any formal objection that would stand in the way of a decision being declared adopted in that manner. Thus, in the event that consensus or general agreement is achieved, the resolutions and decisions of the United Nations meetings



decisions by general agreement in the absence of any formal objection. Where consensus is not possible, the Chair shall convey the full range of views expressed by members to the ICANN Board.

## 7.2. Communicating GAC Advice

### **Principle 46**

Advice from the GAC to the ICANN Board shall be communicated through the Chair.

### **Principle 48**

The GAC may deliver advice on any other matter within the functions and responsibilities of ICANN, at the request of the ICANN Board or on its own initiative. The ICANN Board shall consider any advice from the GAC prior to taking action.

## 7.3. Tracking GAC advice

## **8. Interaction with the ICANN Community**

### 8.1. Appointments (to CCWGs and Review Teams, etc)

### 8.2. Roles and responsibilities of GAC appointees

### 8.3. Provision of GAC input

### 8.4. Seeking community input

### 8.5. SO/AC Liaisons to GAC

## **9. GAC Participation in Empowered Community**

## **10. Secretariat**

### **Principle 44**

The Secretariat of the Governmental Advisory Committee shall undertake such administrative, coordination, liaison and research activities as shall be necessary for the efficient functioning of the GAC. The Secretariat shall facilitate communications among the GAC Chair, Vice Chairs, other Officers, GAC Members and Observers and with ICANN. The Secretariat participates in all GAC meetings.

### **Principle 45**

The Secretariat shall be financed by such means as shall be agreed by the GAC Members.

## **11. Revision of Operating Principles**

### **Principle 52**

The GAC may decide at any time to revise these Operating Principles or any part of them.

### **Principle 53**

A Member or Members may move, at a meeting, for these Operating Principles to be open to revision. If so moved, the Chair shall call for the movement to be seconded. If so seconded, then the

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and conferences have been adopted without a vote. In this connection, it should be noted that the expressions "without a vote", "by consensus" and "by general agreement" are, in the practice of the United Nations, synonymous and therefore interchangeable.

Chair shall call for a vote to support the resolution. The deciding vote may be by ballot, by the raising of hands, by roll call, or by using an online voting mechanism and shall constitute a simple majority of the Members who are present at the meeting at which it was moved for these Operating Principles to be revised. Physical presence at the meetings is required for eligibility to vote. If so resolved in favour of a revision of these Operating Principles, then the proposal shall sit for consultation for a period of sixty (60) days. At the next meeting following the sixty days, the Chair shall call for a vote for or against the proposal. The deciding vote may be taken by ballot, by the raising of cards hands, by roll call, or by using an online voting mechanism and shall be a simple majority of the Members who are present at the meeting at which the vote takes place. Physical presence at the meetings is required for eligibility to vote.

**Principle 54**

Whenever there is a difference in interpretation between the principles set out in these Operating Principles and ICANN's Articles of Incorporation and Bylaws, ICANN's Articles of Incorporation and Bylaws shall prevail.